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11 Attorneys for Defendant  
TESLA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

16 DEAN SHEIKH, JOHN KELNER, TOM  
17 MILONE, DAURY LAMARCHE, DAN  
18 WHELAN, and MICHAEL VERDOLIN, on  
behalf of themselves and all others similarly  
situated.

Case No. 5:17-cv-02193-BLF

**STIPULATION AND  
[PROPOSED] ORDER TO  
CONTINUE STAY OF CASE  
PENDING MEDIATION**

## Plaintiffs,

V.

21 TESLA, INC. d/b/a TESLA MOTORS, INC., a  
Delaware corporation,

Defendant.

1 Plaintiffs Dean Sheikh, John Kelner, Tom Milone, Daury Lamarche, Dan Whelan, and  
2 Michael Verdolin (collectively “Plaintiffs”) and Defendant Tesla, Inc. (“Defendant”), through  
3 their undersigned counsel, hereby stipulate as follows:

4 WHEREAS the parties had a mediation session on November 2, 2017;

5 WHEREAS in order to give the parties additional time to complete their discussions, the  
6 parties agreed to stay the case until December 20, 2017, and stipulated that Defendant’s deadline  
7 to respond to Plaintiffs’ Second Amended Complaint be extended to January 19, 2018;

8 WHEREAS on November 14, 2017, the Court entered the parties’ proposed order  
9 pursuant to stipulation;

10 WHEREAS the parties required additional time to complete their discussions, and agreed  
11 and stipulated to report to the Court with an update on February 15, 2018, and requested that the  
12 Court stay this matter until that time; the parties further agreed and stipulated that Defendant’s  
13 deadline to respond to Plaintiffs’ Second Amended Complaint be extended to March 15, 2018;

14 WHEREAS on December 20, 2017, the Court entered the parties’ proposed order  
15 pursuant to stipulation;

16 WHEREAS the parties required additional time to complete their discussions, and agreed  
17 and stipulated (i) to a telephonic conference with the Court; and (ii) to report to the Court with an  
18 update on April 12, 2018, and requested that the Court stay this matter until that time; the parties  
19 further agreed that Defendant’s deadline to respond to Plaintiffs’ Second Amended Complaint be  
20 extended to May 18, 2018;

21 WHEREAS on February 15, 2018, the Court entered the parties’ proposed order pursuant  
22 to stipulation;

23 WHEREAS on March 22, 2018, the Court held a telephonic conference with the parties  
24 and discussed a further stay of this matter pending the parties’ discussions;

25 WHEREAS the parties require additional time to complete their discussions, and agree  
26 and stipulate to report to the Court with an update on May 24, 2018, and request that the Court  
27 stay this matter until that time; the parties further agree that Defendant’s deadline to respond to  
28 Plaintiffs’ Second Amended Complaint be extended to June 28, 2018;

1 THEREFORE, subject to the approval of the Court, the parties agree and stipulate as  
2 follows: The parties will report to the Court with a further update on May 24, 2018. This matter  
3 shall continue to be stayed until that time. Defendant's deadline to respond to Plaintiffs' Second  
4 Amended Complaint shall be June 28, 2018.

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6 IT IS SO STIPULATED.

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8 Dated: April 10, 2018

MORRISON & FOERSTER LLP

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By: /s/ Penelope A. Preovolos  
Penelope A. Preovolos

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Attorneys for Defendant  
TESLA, INC.

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Dated: April 10, 2018

HAGENS BERMAN SOBOL SHAPIRO LLP

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By: /s/ Steve W. Berman  
Steve W. Berman (*pro hac vice*)  
Thomas E. Loeser (SBN 202724)

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Attorneys for Plaintiffs

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## ECF ATTESTATION

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file the foregoing **STIPULATION AND [PROPOSED] ORDER TO CONTINUE STAY OF CASE PENDING MEDIATION**. In compliance with Local Rule 5-1, I hereby attest that Thomas E. Loeser has concurred in this filing.

Dated: April 10, 2018

MORRISON & FOERSTER LLP

By: /s/ Penelope A. Preovolos

Penelope A. Preovolos

PPrevolos@mofo.com

## [PROPOSED] ORDER

**PURSUANT TO STIPULATION, IT IS SO ORDERED** that the Court clerk will contact the parties to schedule an off the record telephonic status conference. The parties will then report to the Court with an update on May 24, 2018. This matter shall continue to be stayed until that time. Defendant's deadline to respond to Plaintiffs' Second Amended Complaint shall be June 28, 2018.

8 || Dated: \_\_\_\_\_, 2018

The Hon. Beth Labson Freeman  
United States District Judge